

**BOARD OF ENVIRONMENTAL REVIEW
AGENDA ITEM**

EXECUTIVE SUMMARY

Agenda #III.A.1.

Summary: The Department is requesting the adoption of amendments to correct an oversight in the recently adopted Solid Waste Fee rules. The corrections were made in ARM 17.50.410, Table 3 – Application Review Schedule.

List of Affected Rules: A.R.M. 17.50.410

Affected Parties Summary: The modification affects One-time Landfarm or Petroleum Impacted Soil Solid Waste Management Systems.

Scope of Proposed Proceeding: The Department is requesting adoption of the proposed amendments to the rules.

Background: The reason for the rulemaking was to correct an oversight in the recently adopted Solid Waste Fee rules. The oversight involved the incorrect use of the equal to and greater than symbol and the less than symbol in Table 3 for one-time landfarm facilities. As adopted, the table indicated that one-time landfarm facilities accepting 800 cubic yards or more of contaminated soils would be assessed a \$200 application review fee. The table also indicated that one-time landfarm facilities accepting less than 800 cubic yards would be assessed a \$500 application review fee.

The modified rule correctly assigns the correct fee amounts to the appropriate one-time landfarm facility. The revised version of Table 3 indicates that one-time landfarm facilities accepting less than 800 cubic yards will be assessed a \$200 application review fee, and facilities accepting 800 cubic yards or more will be assessed a \$500 application review fee.

Hearing Information: The proposed notice was published with no public hearing contemplated. No public comments were received and no hearing was requested.

Board Options: The Board may:

1. Adopt the proposed rule amendments.
2. Determine that the adoption of the rule amendments is not appropriate and decline to adopt the amendments.

Enclosures:

1. Notice of Proposed Amendment (No Public Hearing Contemplated)
2. Draft Notice of Adoption